

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
LICENSE COMMUNICATIONS SERVICES, )  
INC. )  
 )  
Licensee of Industrial/Business Pool (YG) Station )  
WPQF492, Los Angeles County, California )

**ORDER PROPOSING MODIFICATION**

**Adopted: October 1, 2007**

**Released: October 2, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* By this *Order Proposing Modification*, we initiate a proceeding to modify the license of License Communications Services, Inc. (LCS) for Industrial/Business Pool Station WPQF492, Los Angeles County, California. Specifically, we propose to delete frequency pairs 472/475.9250 MHz and 472/475.9500 MHz.

2. *Background.* In 1997, the Commission directed the certified frequency coordinators for the private land mobile radio services to reach a consensus on the applicable coordination procedures for the 12.5 kHz “offset” channels in the 470-512 MHz frequency band.<sup>1</sup> That consensus is embodied in the Land Mobile Communications Council (LMCC) procedures for evaluating adjacent channel interference in the 470-512 MHz band using the interference criteria of TIA/EIA/TSB-88<sup>2</sup> (TSB-88).<sup>3</sup> The LMCC Consensus provides that an application shall not be certified if an incumbent or the applicant has unacceptable interference of more than five percent reduction of the calculated service area reliability.<sup>4</sup>

3. The license for Station WPQF492 authorizes operation of temporary base stations and mobile units on, *inter alia*, 12.5 kHz “offset” frequency pairs 472/475.9250 MHz and 472/475.9500 MHz. LCS’s application<sup>5</sup> for Station WPQF492 was coordinated by the American Automobile Association (AAA),<sup>6</sup> and granted on June 23, 2000. On March 23, 2004, Mobile Relay Associates (MRA) requested that the license be modified by deleting frequency pairs 472/475.9250 MHz and 472/475.9500 MHz on the grounds that the coordination was defective because MRA’s Station WIL648, Corona, California,

<sup>1</sup> See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307, 14330-31 ¶ 43 (1997).

<sup>2</sup> See Telecommunications Industry Association/Electronics Industry Association Telecommunications Systems Bulletin 88 (TIA/EIA/TSB-88), *Wireline Communications System – Performance in Noise and Interference-Limited Situations – Recommended Methods for Technology-Independent Modeling, Simulation, and Verification* (January 1998).

<sup>3</sup> See Filing Freeze to be Lifted for Applications under Part 90 for 12.5 kHz Offset Channels in the 421-430 and 470-512 MHz Bands, *Public Notice*, 13 FCC Rcd 5942, 5942 (WTB 1997) (citing Letter from Larry A. Miller, President, LMCC, to Daniel B. Phythyon, Esq., Acting Chief, Wireless Telecommunications Bureau (Sept. 10, 1997) (LMCC Consensus)).

<sup>4</sup> See LMCC Consensus, Attachment at 2.

<sup>5</sup> FCC File No. D130079.

<sup>6</sup> AAA Frequency Coordination No. CA9AA00177.

operating on adjacent channel 472/475.9375 MHz was suffering more than five percent signal degradation.<sup>7</sup>

4. After staff engineers of the Wireless Telecommunications Bureau's Mobility Division (Division) conducted an independent analysis and determined that Station WPQF492 creates over seven percent new interference to Station WIL648, the Division directed AAA to indicate whether alternate frequencies were available for Station WPQF492.<sup>8</sup> On February 15, 2007, LCS filed a petition for reconsideration<sup>9</sup> of the Division's letter.<sup>10</sup> On March 6, 2007, AAA responded to the Division's letter, indicating that it believed that the application for Station WPQF492 was properly coordinated.<sup>11</sup>

5. *Discussion.* LCS relies on a recent decision<sup>12</sup> for the proposition that a TSB-88 analysis is not required in this matter because there is no spectral overlap between MRA's and LCS's facilities.<sup>13</sup> We conclude that there is spectral overlap in the present instance: MRA operates on a 25 kHz channel (with an occupied bandwidth of 20 kHz), so LCS's operations on 12.5 kHz channels (with an occupied bandwidth of 11.25 kHz) on center frequencies 12.5 kHz removed from MRA's center frequency results in overlap.<sup>14</sup>

6. Stations utilizing temporary fixed transmitters must meet the same interference protection requirements as stations utilizing permanent transmitters.<sup>15</sup> Nothing in the Commission's action directing LMCC to reach a consensus on the applicable coordination procedures for the 12.5 kHz "offset" channels in the 470-512 MHz frequency band, or in the LMCC Consensus, persuades us that temporary-fixed or mobile-only stations on offset channels are or should be exempt.

7. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended,

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<sup>7</sup> See Request to Initiate Modification Proceedings (filed Mar. 23, 2004) (Request). LCS filed an opposition to the request on March 30, 2004. MRA filed a reply to the opposition on April 9, 2004.

<sup>8</sup> See Letter dated January 31, 2007, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Gary Ruark, American Automobile Association (Division Letter).

<sup>9</sup> Petition for Reconsideration of Decision Ordering AAA to Provide a New Frequency Recommendation for WPQF492 (filed Feb. 15, 2007) (Petition). We note that the Petition is premature in that the Division Letter seeking information from AAA was an interlocutory action, *cf.* 47 C.F.R. § 76.934(h)(5)(iii), and petitions for reconsideration of interlocutory actions are not permitted. 47 C.F.R. § 1.106(a)(1). Consequently, we will treat the Petition as an informal request under Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41.

<sup>10</sup> MRA filed an opposition on March 2, 2007. LCS filed a reply on March 5, 2007. MRA filed a motion to strike the reply on March 15, 2007. LCS filed an opposition to the motion to strike on March 22, 2007.

<sup>11</sup> See Letter dated March 6, 2007, from Gary Ruark, Manager, Fleet Communications, American Automobile Association, to Marlene H. Dortch, Secretary, Federal Communications Commission (AAA Response). On March 22, 2007, MRA filed an opposition.

<sup>12</sup> National Science and Technology Network, Inc., *Order*, 22 FCC Rcd 1953 (WTB MD 2007), *recon. pending* (*National Science*). As set forth in that decision, no TSB-88 analysis is required where there is no spectral overlap. *Id.* at 1954 n.10; *see also, e.g.,* City of Los Angeles, Department of Airports, *Order*, 22 FCC Rcd 1808, 1810 ¶ 10 (PSHSB PD 2007), *recon. pending*. The issue of whether *National Science* correctly applied that principle to the facts presented therein will be addressed in the context of the pending petition for reconsideration of that decision.

<sup>13</sup> See Petition at 1-2.

<sup>14</sup> See National Science and Technology Network, Inc., *Order*, 22 FCC Rcd 11538, 11539 ¶ 3 (WTB MD 2007), *recon. pending*. While we thus agree with MRA that the bandwidth theory asserted in LCS's reply is incorrect, we do not believe that this, or any of MRA's other complaints about the reply, requires that the pleading be stricken. Consequently, we deny the motion to strike.

<sup>15</sup> See Mobile Relay Associates, *Order*, 18 FCC Rcd 12974, 12981 ¶ 16 (WTB PSPWD 2003).

provides the appropriate vehicle for resolving this matter.<sup>16</sup> Section 316(a)(1) permits the Commission to modify a station license if the action will promote public interest, convenience, and necessity.<sup>17</sup> In this connection, we note that our engineering analysis using the interference criteria of TSB-88 confirms that LCS's operations degrade the service area of MRA's Station WIL648 on frequency pair 472/475.9375 MHz by more than five percent.<sup>18</sup> Deleting frequency pairs 472/475.9250 MHz and 472/475.9500 MHz from LCS's license for Station WPQF492 will serve the public interest by eliminating harmful interference to Station WIL648, and should not unduly disrupt the operations of LCS, which is authorized on other channels under this and other licenses in the area.

8. Consequently we propose to modify LCS's license for Station WPQF492 by deleting frequency pairs 472/475.9250 MHz and 472/475.9500 MHz. In accordance with Section 1.87(a) of the Commission's Rules,<sup>19</sup> we will not issue a modification order until LCS has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, LCS must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be mailed to the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554, Attn: Melvin Spann.<sup>20</sup> If no protest is filed, LCS will have waived its right to protest the modification and will be deemed to have consented to the modification.

9. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, that the request to initiate modification proceedings submitted by Mobile Relay Associates on March 23, 2004 IS GRANTED to the extent indicated above.

10. IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Industrial/Business Pool Station WPQF492 held by License Communications Services, Inc., BE MODIFIED by deleting frequency pairs 472/475.9250 MHz and 472/475.9500 MHz.

11. IT IS FURTHER ORDERED that this *Order Proposing Modification* SHALL BE SENT by certified mail, return receipt requested, to License Communications Services, Inc., Attn: Alan Lurya, 18662 MacArthur Blvd., Suite 200, Irvine, CA 92612, and to Professional Licensing Consultants, Inc.,

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<sup>16</sup> 47 U.S.C. § 316(a)(1).

<sup>17</sup> *Id.*

<sup>18</sup> We recognize that it is not practical for a frequency coordinator to analyze the potential for interference of operations from every possible location authorized for mobile or temporary fixed operations. Consequently, we believe that it is sufficient, as an initial matter, to coordinate a temporary fixed or mobile-only application based only on the center coordinates of the authorized service area, as AAA apparently did in this case. See AAA Response at 1. Once an interference complaint is received, however, it is necessary to conduct a more detailed analysis. See Genwest LLC, *Order of Modification*, 22 FCC Rcd 6585 (WTB MD 2007) (modifying mobile-only license to alleviate co-channel interference to incumbent trunked station). In light of the interference complaint from MRA, we conducted a more detailed TSB-88 analysis by looking at the edge of the authorized service area closest to MRA's Station WIL648.

<sup>19</sup> 47 C.F.R. § 1.87(a).

<sup>20</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

Attn: Josie Lynch, P.O. Box 1714, Rockville, MD 20849.

12. IT IS FURTHER ORDERED that the motion to strike filed by Mobile Relay Associates on March 15, 2007 IS DENIED.

13. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau